

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 18, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE BALLESTEROS,

Defendant.

NO. 4:20-CR-06004-SAB-1

**ORDER CONTINUING TRIAL  
AND PRETRIAL CONFERENCE**

The Court held a status conference in the above-captioned matter on November 18, 2020. Kenneth Therrien appeared in person and Elijah Marchbanks appeared via telephone on behalf of Defendant. Defendant appeared in person in the custody of the U.S. Marshals. Benjamin Seal appeared on behalf of the Government. During the hearing, the parties discussed the need to set a new trial date due to the ongoing COVID-19 pandemic. This Order memorializes the Court's oral rulings.

Accordingly, **IT IS HEREBY ORDERED:**

1. The current trial date of December 14, 2020 is **STRICKEN** and **RESET** to **March 1, 2021**, at **9:00 a.m.**, commencing with a **final** pretrial conference at **8:30 a.m.** The trial is anticipated to last two days. The trial will take place in **Richland**, Washington.

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**ORDER CONTINUING TRIAL AND PRETRIAL CONFERENCE \* 1**

1           2.     A pretrial conference is **set** for **February 3, 2021**, at **2:30 p.m.**, in  
2 **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive  
3 change in the status of this case **at least 5 days prior to the pretrial conference**.  
4 Any motion to continue the pretrial conference or trial shall be filed at the earliest  
5 practicable opportunity, but no later than **seven (7) days prior to said proceeding**.  
6 Movant shall provide (1) specific and detailed reasons for the continuance to  
7 permit the Court to make the necessary findings; (2) if applicable, the Defendant's  
8 signed Speedy Trial Waiver; (3) the position of opposing counsel; and (4) the  
9 proposed new date. Continuances are not granted absent good cause.

10           3.     The Court finds, given the outbreak of the COVID-19 virus, that  
11 rescheduling hearings set in the near future would result in minimizing undue risk  
12 to defendants, counsel, law enforcement, Court staff, and the public at large. The  
13 Court also finds current public health advisories reduce the Court's ability to  
14 obtain an adequate spectrum of jurors and curtails the availability of counsel and  
15 Court staff to be present in the courtroom. *See* Eastern District of Washington  
16 General Order 20-101-12. The Court, therefore, finds the ends of justice served by  
17 resetting hearings in all criminal matters during this period outweigh the best  
18 interest of the public and defendants in speedy trials, and the period of delay  
19 attributable to this Order will be excluded from Speedy Trial Act calculations.

20           Thus, pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between December  
21 14, 2020, the current trial date, until March 1, 2021, the new trial date, is  
22 **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy  
23 Trial Act. The Court finds that the ends of justice served by such a continuance  
24 outweigh the public's and Defendant's interest in a speedy trial. Defendant shall  
25 file a waiver of speedy trial rights for that period of time.

26           4.     Trial briefs, proposed voir dire, jury instructions, verdict forms,  
27 exhibit lists, expert witness lists, and summaries of expert testimony shall be filed  
28 and served by all parties **on or before seven (7) calendar days** prior to trial. This

1 does not modify the parties' discovery obligations under Fed. R. Crim. P. 16.  
2 Absent an agreement between the parties or an Order from the Court, the parties'  
3 Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule  
4 16.

5 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
6 enter this Order and furnish copies to counsel.

7 **DATED** this 18th day of November 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

13 Stanley A. Bastian  
14 Chief United States District Judge  
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